

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-HC-2052-D

MCKINLEY FOGG,

Petitioner,

v.

DONNA SMITH,

Respondent.

**ORDER**


On June 13, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 17] and recommended that the court grant respondent’s motion for summary judgment [D.E. 10], dismiss petitioner McKinley Fogg’s (“Fogg”) petition for a writ of habeas corpus under 28 U.S.C. § 2241 [D.E. 1], and deny as moot Fogg’s motion to supplement his petition [D.E. 16]. Fogg did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 17].

In sum, the court ADOPTS the conclusions in the M&R [D.E. 17], GRANTS respondent's motion for summary judgment [D.E. 10], DISMISSES Fogg's petition for a writ of habeas corpus under 28 U.S.C. § 2241 [D.E. 1], and DENIES AS MOOT Fogg's motion to supplement his petition [D.E. 16]. The clerk shall close the case.

SO ORDERED. This 5 day of August 2019.

  
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JAMES C. DEVER III  
United States District Judge